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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Arcelio Joseph Reybol,
10 Plaintiff,
11 v.
12 Patrick Tang,
13 Defendant.
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No. CV21-01697-PHX-MHB
ORDER TO SHOW CAUSE

15 Pursuant to Rule 3.7(a) of the Local Rules of Civil Procedure for the United States
16 District Court for the District of Arizona, all civil cases are randomly assigned to a United
17 States District Judge or to a United States Magistrate Judge. This matter has been assigned
18 to the undersigned United States Magistrate Judge. If and only if all named parties consent
19 in writing, the case will, pursuant to 28 U.S.C. § 636(c)(1), remain with the assigned
20 Magistrate Judge for all purposes, including a trial, if necessary, and the final entry of
21 judgment. If any party chooses the District Judge option, the case will automatically and
22 immediately be randomly reassigned to a District Judge. Any party is free to withhold
23 consent to magistrate judge jurisdiction without adverse consequences. *See* 28 U.S.C. §
24 636(c)(2); Fed. R. Civ. P. 73(b).

25 Section 636(c) requires that the parties' decision be communicated to the Clerk of
26 the Court, and Rule 73(b) of the Federal Rules of Civil Procedure provides: "To signify
27 their consent, the parties must jointly or separately file a statement consenting to the
28 referral." To either consent to the jurisdiction of the assigned Magistrate Judge or to elect

1 to have the case heard before a District Judge, the appropriate section of the relevant form
2 (entitled Consent to Exercise of Jurisdiction by United States Magistrate Judge) must be
3 completed, signed, served on all parties of record, and filed with the Court. ***Each party***
4 ***must file a completed consent form no later than 14 days after they have entered an***
5 ***appearance in the matter.*** LRCiv. 3.7(b).

6 The Civil Justice Reform Act of 1990, 28 U.S.C. §§ 471-482, mandates the early
7 and on-going judicial management of the pretrial process. Pursuant to this mandate,
8 “[f]ederal trial courts are now required, by statute, to implement techniques and strategies
9 designed to dispose of cases in an efficient and inexpensive manner.” *Schwarzkopf Tech.*
10 *Corp. v. Ingersoll Cutting Tool Co.*, 142 F.R.D. 420, 423 (D. Del. 1992). Additionally, all
11 federal judges are subject to the requirement of Rule 1, Federal Rules of Civil Procedure,
12 that the Rules “be construed to secure the just, speedy and inexpensive determination of
13 every action.” *See also Herbert v. Lando*, 441 U.S. 153, 177 (1979).

14 Plaintiff filed his Complaint on October 5, 2021 (Doc. 1), to date, Plaintiff has not
15 filed the Magistrate Election form, and the form is now more than two weeks past due. The
16 Magistrate Judge notes that Plaintiff has filed a document in which he makes various
17 requests, to include to “remove Magistrate Burns.” (ECF No. 14). His requests cannot be
18 resolved until Plaintiff either consents to Magistrate Judge jurisdiction or opts to have the
19 case resolved by a District Judge.

20 Therefore,

21 **IT IS ORDERED that Plaintiff shall file a completed consent form on or before**
22 December 3, 2021. If Plaintiff fails to do so, he must show cause, on or before December
23 17, 2021, why it should not be sanctioned or be held in contempt of court pursuant to title
24 18 U.S.C. § 401 for failing to comply Rule 3.7(b) of the Local Rules of Civil Procedure. If
25 Plaintiff complies with Rule 3.7(b) on or before December 3, 2021, by either consenting to

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1 magistrate judge jurisdiction or electing to have the case assigned to a District Judge, the
2 undersigned will automatically vacate this Order to Show Cause.

3 Dated this 23rd day of November, 2021.

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Honorable Michelle H. Burns
United States Magistrate Judge